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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined eighth and ninth periodic reports of Uruguay

Addendum

Information provided by Uruguay in follow-up to the concluding observations*

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* This document is being issued without formal editing.

18-19229 (E) 261118 271118

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Introduction

1. On 14 July 2016, the delegation of Uruguay participated in the sixty-fourth session of the Committee on the Elimination of Discrimination against Women (CEDAW) to consider the country's combined eighth and ninth periodic reports. On 25 July 2016, the Committee issued its concluding observations (CEDAW/C/URY/CO/8-9) and requested information on the implementation of some of these recommendations within two years.

2. In the present report Uruguay provides written information on the measures taken to implement the recommendations relating to gender-based violence against women (recommendation No. 20 (a) and (f)) and education (recommendation No. 32 (a) and (c)).

Information in response to the Committee's recommendations

Gender-based violence against women

3. **The Committee calls upon the State party to implement and adequately fund nationwide strategies and programmes to prevent and combat domestic violence against women, including activities to raise awareness of the criminal nature of violence against women, and expedite the reform of the Criminal Code and the adoption of a comprehensive law criminalizing all forms of violence against women, ensuring as part of that reform that femicide and marital rape are recognized as criminal offences (see** CEDAW/C/URY/CO/8-9, **para. 20 (a)).**

4. On 16 November 2015, the Government adopted Executive Decree No. 306/015 establishing the 2016–2019 Action Plan for a life free of gender-based violence, from a generational perspective. The Action Plan presents a comprehensive view of gender-based violence and establishes an interdisciplinary and cross-sectoral approach. It defines the national inter-agency response system, which covers promotion and prevention, the network of assistance services, access to justice, follow-up and redress for victims, and the resocialization of male aggressors. In addition, it sets out the commitments made by all member agencies of the Advisory Board for a Life Free of Gender-based Violence against Women.

Regulatory framework

5. In line with the Action Plan, in 2017, the Government adopted Act No. 19.538 amending articles 311 and 312 of the Criminal Code, in order to recognize femicide as an aggravating circumstance of homicide and defining femicide as homicide committed against a woman on the grounds of hatred or contempt and on account of her being a woman.

6. In 2017 it also passed Act No. 19.580 on gender-based violence against women, with the aim of guaranteeing the right of all women to a life free of gender-based violence, irrespective of their age, sexual orientation or gender identity (including transgender women), socioeconomic status, territorial affiliation, beliefs, cultural background, ethnicity, race or disability status. To that end, the Act establishes comprehensive mechanisms, measures and policies for prevention, care, protection, punishment and redress.

7. The Act defines gender-based violence against women as a form of discrimination that directly or indirectly affects their life; freedom; dignity; physical, psychological and sexual integrity; economic situation and property; and personal security. In addition, it is understood to mean any conduct, act or omission, in the public or private spheres, which, relying on a gender-based power imbalance in the

relationship, has the aim or effect of impairing or nullifying the recognition, enjoyment or exercise of the human rights and fundamental freedoms of women. This includes acts perpetrated by the State or its agents, as well as by private organizations or individuals.

8. The Act recognizes different manifestations of violence: physical; psychological or emotional; sexual[1] (which includes marital rape as well as the involvement of girls, boys and adolescents in sexual activities with an adult or with any other person who has an advantage over them whether because of age, physical or mental development, family relationship, emotional ties or relationship of trust, position of authority or power, including sexual abuse, sexual exploitation and use of pornography); violence committed because of prejudice against the victim's sexual orientation, gender identity or gender expression; economic, property-related, symbolic or obstetric violence; violence in employment, education, politics or the media; femicide; sexual harassment in the street; and domestic, community, institutional, ethnic or racial violence.

9. The Act contains seven chapters dealing with the inter-agency response system, as well as public policy guidelines and the mandate of State institutions to develop programmes, actions, protocols, registers and research for the eradication of gender-based violence. It also establishes the network of care services, the processes for protection, investigation and prosecution, and the administrative and judicial proceedings. It also amends provisions of the Criminal Code, including a set of articles of criminal law that updates the provisions on sexual crimes and allows the courts to waive the penalty for the crime of murder of a partner or former partner by women in particularly serious situations of domestic violence.

10. The Act also created an observatory on gender-based violence against women, for the purpose of monitoring, collecting, producing, recording and systematizing data and information on violence against women. It will operate within the framework of an inter-agency commission which comprises the Office of Planning and Budget, which chairs the commission, the Ministry of the Interior, the National Women's Institute and the Uruguayan Network against Domestic Violence and Sexual Abuse. The commission is already working on the design and operation of the observatory.

11. Lastly, Act No. 19.643 on preventing and combating human trafficking was adopted with the aim of preventing, prosecuting and punishing human trafficking and exploitation, and providing care, protection and redress for victims. It includes public policy guidelines based on pro-victim principles and amendments to the Criminal Code. On 30 July, the authorities comprising the Board on the Prevention and Combating of Human Trafficking[2] adopted an action plan covering the period 2018–2020.

[1] Section 6 (c) of Act No. 19.580 mentions marital rape as one of the types of sexual violence covered by the law. However, it should be noted that there is no need for a specific criminal offence, because no distinction is made between rape in or out of wedlock.

[2] The Board is composed of the Ministry of Social Development, Ministry of the Interior, Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Education and Culture, Public Prosecution Service, Ministry of Transport and Public Works, Ministry of Labour and Social Security, Ministry of Public Health, Ministry of Livestock, Agriculture and Fisheries, Ministry of Tourism, Ministry of Housing, Regional Planning and the Environment, the Judiciary, the National Institute for Children and Adolescents, Women's Bicameral Caucus, University of the Republic, Inter-Union Plenary of Workers — National Workers' Confederation and three representatives of civil society organizations.

Gender Equality Strategy 2030

12. In 2017, the National Gender Council adopted the Gender Equality Strategy 2030 by means of Decree No. 137/2018.[3] The document is a strategic road map that presents the challenges in various areas that the State must address through the implementation of executive, legislative and judicial measures. It takes account of trends in the country and critical factors related to gender equality and incorporates the main priorities identified by civil society organizations. It was drafted on the basis of inter-agency participation as part of the future development of the national development strategy for 2050.

13. The Gender Equality Strategy 2030 contains 11 aspirations as overarching goals needed to achieve gender equality in the medium term; aspiration No. 10 concerns the substantial reduction of gender-based violence.

New Code of Criminal Procedure

14. The new Code of Criminal Procedure, which amends the criminal procedure from an inquisitorial system to an oral and public accusatory one, entered into force on 1 November 2017 (Act No. 19.436). Article 6, which amends Act No. 19.293, rules out compensation agreements in the case of offences affecting sexual freedom. In addition, Act No. 19.549 adds article 382.7 to the Code of Criminal Procedure, which prohibits extrajudicial mediation in cases involving the offences of (i) sexual violence (articles 272, 273 and 274 of the Criminal Code) or sexual exploitation (Act No. 17.815), (ii) domestic violence (article 321 bis of the Criminal Code) as well as other criminal offences involving gender-based violence.

15. The Attorney General's Office has established two public prosecution offices in Montevideo that specialize in sexual offences, domestic violence and gender-based violence.

16. The new law on the organization of the Attorney General's Office (Act No. 19.483 of 5 January 2017) provides for the issuance of general instructions to ensure the prioritization of offences involving gender-based violence, their proper investigation and prosecution, and the proper treatment of victims.

17. On 13 July 2016, the Attorney-General's Office established a gender unit responsible for carrying out actions both within and outside of the institution to promote non-discrimination based on gender. The Office promotes the development of intra-and inter-agency actions, as well as gender mainstreaming in judicial and administrative processes in order to guarantee effective access to justice for people in situations of gender-based discrimination or violence.

18. In May 2018, the Attorney General's Office issued General Instruction No. 9 (May 2018) on the special protection programme for victims of and witnesses to offences.[4] It is aimed at regulating the operation of the special system designed to provide care for protected victims and witnesses who are at particular risk or in clear danger.

19. General Instruction No. 8[5] of the Attorney General's Office, on sexual crimes, provides prosecution teams with common criteria for action in response to reports of alleged crimes of sexual violence, in order to ensure prompt, effective and efficient investigation, subject to due diligence standards, and the protection of victims, family

[3] For more information see: https://medios.presidencia.gub.uy/legal/2018/decretos/05/mides_304.pdf.

[4] http://www.fiscalia.gub.uy/innovaportal/file/3480/1/instruccion-general-proteccion-especial-de-victimas-y-testigos-de-los-delitos.pdf.

[5] http://www.fiscalia.gub.uy/innovaportal/file/3480/1/instruccion-general-delitos-sexuales.pdf.

members and witnesses. The aim is to provide prosecution teams with guidelines on the first actions to take in the event of a complaint of an alleged crime of sexual violence and to provide guidelines for criminal investigation and prosecution. General Instruction No. 5[6] on the care and protection of victims and witnesses (October 2017) sets out the principles, objectives, scope and general procedures for the care of victims and witnesses by the Attorney General's Office.

Awareness-raising measures

20. Given that dating is a significant stage of life and that relationships involve, to a greater or lesser extent, gender norms and practices, as well as ways of interacting and learning to connect with other people, the decision was taken to launch a campaign entitled "Dating without violence: 50 days of reflection".[7] The campaign is a collective effort at the national level and promotes the involvement and active participation of adolescents throughout the country.

21. The campaign is designed to generate actions that will promote reflection, awareness-raising and relationships free of violence. The campaign was launched in 2016, a year in which over 100 activities were carried out involving more than 10,000 young people throughout the country. In 2017, some 12,000 adolescents participated and in 2018 the third edition of the campaign will be launched.

22. In 2017, the Office of the President of the Republic launched a campaign to raise public awareness of gender-based violence and encourage society to reflect on this issue.

23. Through the National Advisory Board for a Life Free of Gender-based Violence against Women, a significant number of training courses and awareness-raising activities have been carried out on the issues of detection, care and restitution of the rights of women, children and adolescents, aimed at technical operators in urban and rural areas. In 2016, a total of 19,200 human resources were trained and in 2017 another 17,578 were trained.

24. With regard to budgetary funds, several ministries have significantly increased financial allocations. For example, the Ministry of the Interior and the Ministry of Social Development, through the National Women's Institute, doubled their budgetary allocations for policies to combat gender-based violence.

25. As part of the programme for gender-sensitive budgets, the Office of Planning and Budget is establishing a comprehensive budget for the national plan for a life free of gender-based violence.

26. **The Committee calls upon the State party to establish monitoring mechanisms to evaluate the accessibility of protection and assistance services for victims of gender-based violence, in particular for disadvantaged groups of women such as women of African descent, women with disabilities and refugee, asylum-seeking and migrant women (see CEDAW/C/URY/CO/8-9, para. 20 (f)).**

27. The gender-based violence response system of the National Women's Institute comprises various mechanisms for care. The system covers all women over 18 years

[6] http://www.fiscalia.gub.uy/innovaportal/file/3480/1/instruccion-nro5.pdf

[7] The campaign is being implemented by the National Women's Institute of the Ministry of Social Development (Inmujeres-MIDES), National Public Education Administration and the National Institute for Children and Adolescents, institutions that joined forces to launch another campaign entitled "Never again at my side"; with the participation of the band "No Te Va Gustar" (NTVG), the Women's Bicameral Caucus and the Uruguayan Network against Domestic and Sexual Abuse.

of age who are in Uruguayan territory, including women of African descent, women with disabilities and refugee, asylum-seeking and migrant women.

28. The network of services for a life free of gender-based violence has grown exponentially over the past three years but is still inadequate. The number of care centres for women affected by gender-based violence has increased from 18 to 31; a new territorial team in Montevideo has joined the 18 units for territorial coordination; and care teams for male aggressors have grown from 3 to 12. The Office for the Care of Women Victims of Trafficking for Purposes of Sexual Exploitation (with nationwide coverage), the Short-stay Home for women whose lives are at risk from gender violence (with nationwide coverage) and the programme for temporary housing alternatives established in cooperation with the Ministry of Housing, Regional Planning and the Environment have been strengthened. During this period, a halfway house, a temporary-stay centre and a 24-hour access centre were also created, and job training and placement were provided in collaboration with the National Institute of Employment and Vocational Training.

29. The response mechanisms include systematized administrative records that allow for monitoring of actions implemented. Over the current year, work was done to incorporate these registers into a centralized system to ensure proper processing and subsequent analysis of cases of violence. To date, two qualitative assessments of care services aimed at women in situations of gender-based violence have been carried out, which have enabled the authorities to gather more information on the population profile and assess the accessibility of services. By December the design of the second national survey on the prevalence of gender-based violence and generations should be finalized and ready to be launched in 2019. The survey will cover the cross-cutting variables of childhood, ethnic or racial descent, gender identity, age, territory and disability.

30. A programme was developed by the Ministry of the Interior to order the fitting of electronic ankle bracelets on individuals at high risk of committing domestic violence. The aim of the initiative is to find an alternative method of protection for victims of domestic violence who are in particular danger. The programme includes follow-up and overseeing compliance with protective measures ordered by the courts in high-risk domestic violence cases, through the management and fitting of the ankle bracelets, psychosocial support and legal advice for victims and offenders. Between 2015 and 2017, the programme was extended nationwide, which has been crucial to increasing its efficiency and effectiveness. In addition, over the past four years, police coverage has been extended across the country. There are now 19 domestic violence departmental directorates and the number of specialized domestic violence and gender units has increased from 45 to 56.

31. Act No. 18.850 enacted in 2011 established economic protection (special monthly family allowances and welfare benefits), assistance in obtaining psychological treatment and care under the national health system for orphan children of persons who died as a result of domestic violence (minors under 21 years of age and unmarried adults with disabilities who are unable to work). The Act remains in full force. As at December 2017, 179 welfare benefits and 86 family allowances had been granted.

Education

32. **The Committee recommends that the State party implement effective strategies to address the high rates of early pregnancy and school dropout, with measures, including scholarships, to ensure retention and facilitate the re-entry into school of young mothers, especially women and girls of African descent, rural women and girls and women living in deprived urban areas, with active**

monitoring up to and including tertiary education (see CEDAW/C/URY/CO/8-9, para. 32 (a)).

33. Adolescent pregnancy in Uruguay is most prevalent in the poorest sectors and among populations living in households with unmet basic needs. Among those who became mothers in adolescence 43 per cent live in poverty, while those not living in poverty account for 8 per cent. However, it should be noted that 3 out of every 4 adolescent mothers had left school before falling pregnant.

34. The adolescent pregnancy rate fell by two points in 2017, to 12.7 per cent. This decline can be attributed to a set of social policies aimed at this population and greater provision of contraceptives, especially subdermal implants.

35. In 2016, the executive branch announced a commitment to design and implement a cross-cutting national strategy for the prevention of unwanted pregnancy in adolescents, with the aim of reducing the incidence of such pregnancies. The strategy is being developed with the participation of all sectors and with a human-rights and gender-based approach. Its main components are knowledge and use of contraceptive methods, negotiating their use, access to contraceptive methods, abortion, sexuality, motherhood, gender issues, opportunities and guarantees for the exercise of the rights of adolescent mothers and fathers, and the prevention of repeated unwanted pregnancies.

36. The strategy envisages the creation of adapted curriculums and tailored projects for adolescent mothers and fathers, centres providing alternative methods of care for adolescent mothers and their children, and pilot childcare spaces for the children of adolescent mothers and fathers in secondary schools with the provision of evening classes for adolescent parents beyond school age.

37. In that context, in 2017, awareness-raising and training activities were carried out in various departments of the country. In addition, an intra-institutional commission was created within the National Institute for Children and Adolescents to ensure the implementation and monitoring of the actions carried out under the strategy.

38. A campaign entitled "#My Adolescent Plan" has been launched and disseminated on social media, with audiovisual work done by and for adolescents, who appreciate the importance of choosing and planning when they become parents.

39. The National Institute for Children and Adolescents distributes all contraceptive methods free of charge, which are provided together with consultations with sexual health professionals and family doctors. In 2017, 191 subdermal implants were fitted and female and male condoms were provided, accompanied by sex education courses and follow-up on all cases. Workshops were also organized on violence, gender-based violence and diversity for educators and adolescents. The first stage relating to voluntary termination is being implemented with advice from and in coordination with secondary care centres.

40. With regard to the programme for teenage and young mothers, since 2002, the Social Insurance Bank has been offering a system of benefits (financial support, social assistance and educational workshops) for mothers under 23 years of age in situations of social vulnerability, so that they can continue with their studies and acquire knowledge that will give them opportunities to find employment and integrate into society.

41. The Gender and Sexuality Unit of the Central Education Board's Human Rights Department ensures that sex education is incorporated into the formal education

system, based on the principles of development, health and rights, and the fostering of citizenship.[8]

42. In addition, as part of the strategy for the prevention of adolescent pregnancy and the integrated national care system, the National Public Education Administration is implementing a childcare project for the children of young mothers and fathers so that these young parents can complete secondary school and to ensure that there is no gap in their education. There are six care centres operating in the afternoons and evenings in the departments of Mercedes, Canelones, Young, Chuy, Treinta y Tres and Montevideo. In addition, provision has been made for customized curriculums for students with children under 5 years of age in their care when the school identifies absenteeism and/or a risk of dropout. General Education Act No. 18.437 contains a specific article establishing the right of pregnant students to continue their studies, receive specific educational support and be granted authorized absences for pre-and post-natal care. In 2017, the Central Education Board issued regulations establishing flexible conditions in public schools and childcare solutions such as flexible hours, grants, face-to-face and virtual tutoring and exemption from evening classes.

43. **The Committee recommends that the State party promote specific actions, including temporary special measures, to improve the representation of women in decision-making positions in academic institutions and to increase the number of female professors in universities (see CEDAW/C/URY/CO/8-9, see para. 32 (c)).**

44. According to figures published by the University of the Republic, as at April 2018 there were 10,266 people holding teaching posts in public universities, 53.2 per cent of whom are women.

45. As regards the representation of women in decision-making positions in academic institutions, out of the 15 faculties that make up the University of the Republic, 6 have female deans: Faculty of Sciences, Faculty of Law, Faculty of Nursing, Faculty of Information and Communication, Faculty of Engineering and the Faculty of Psychology.

46. In 2016, the Office of Planning and Budget, the Faculty of Engineering and the National Women's Institute came together to create an inter-agency forum to analyse public policies in the area of science and technology from a gender perspective. The result was the Inter-Agency Committee on Women in Science, Technology and Innovation, which has since expanded with additional members. At present, the Committee comprises all institutions involved in the areas of gender, science, technology, engineering and mathematics, and is working to develop a comprehensive and innovative inter-agency strategy with the aim of developing a public policy model that identifies and addresses, from a gender perspective, the determinant factors relating to gender in education and employment.

47. Lastly, a quality with gender equity model has been established as a tool for organizational change towards gender equality. The model was adopted by the National Women's Institute as part of a public policy aimed at achieving gender equality in employment. The tool is designed to reduce gender gaps in the workplace through planned actions and procedures aimed at transforming work structures and personnel management in a more fair and equitable manner.

[8] For more information see http://www.anep.edu.uy/anep/index.php/programa-de-educacion-sexual.